

The Listing of Claims will replace all prior versions, and listings, of claims in the application.

LISTING OF CLAIMS

Claim 1. (Currently Amended) A method for the build-out of a cellular network for a communications company, comprising:

(a) identifying ~~long-term leasing by a company of a plurality of properties, two or more areas of which are separately owned, and each of which is in an area where cell towers for~~ [[a]] wireless communications are ~~facility is needed for a wireless communications network; [[and]]~~

(b) identifying within each area ~~of which contains a~~ at least one desirable location for positioning at least one cell tower, ~~said facility, said method comprising:~~

(c) identifying at least one private, non-commercial parcel of land ~~two or more properties~~ to acquire through lease within each desirable location; [[and]]

(d) tendering to each property owner a defined lease acquisition offer, comprising an offer to lease each parcel of land ~~property~~ for a term of years with an up-front lump sum payment as consideration, wherein said lump sum payment is undivided or divided into a series of shorter-term payments for less than one-half of the lease term, and the total lease payment is less than the aggregated projected periodic lease payments for each parcel of land ~~property~~ over the term of use;

(e) repeating steps (a) through (e), if necessary, until enough offers are accepted to build out said network;

(f) leasing at least some of the parcels of land for which offers were accepted; and

(g) erecting at least one cell tower on at least one leased parcel of land.

Claims 2 – 4. (Cancelled)

Claim 5. (Previously Presented) The method of claim 1, wherein said offer is to lease only a portion of each parcel of land comprising said desirable location, and any necessary access.

Claim 6. (Previously Presented) The method of claim 1, wherein said offer is to lease said entire parcel of land.

Claims 7 – 9. (Cancelled)

Claim 10. (Previously Presented) The method of claim 1, wherein said lump sum payment is to be made in lieu of periodic lease payments.

Claim 11. (Original) The method of claim 1, wherein said lump sum payment is to be made in cash.

Claim 12. (Previously Presented) The method of claim 1, wherein said lump sum payment is to be made with negotiable securities.

Claim 13. (Previously Presented) The method of claim 12, wherein said negotiable securities are stock or stock options.

Claim 14. (Original) The method of claim 12, wherein said negotiable securities are one or more zero coupon bonds having an aggregate face value equal to said lump sum payment.

Claim 15. (Previously Presented) The method of claim 1, further comprising the step of financing said lump sum payment using negotiable securities as collateral.

Claim 16. (Previously Presented) The method of claim 1, wherein after said identifying step and before said tendering step, said method further comprises the steps of:

determining the amount of debt encumbering each property; and

calculating for each encumbered property a lump sum payment amount approximating the amount of debt encumbering the property to be used as a beginning point for negotiation.

Claim 17. (Previously Presented) The method of claim 1, wherein at least one offer further includes a first right of refusal for said company to purchase said parcel of land, or a portion of said parcel comprising said desirable location, and any necessary access, if the owner receives a purchase offer for said parcel, for which said lump sum payment also serves as consideration.

Claim 18. (Previously Presented) The method of claim 1, wherein at least one offer further includes an option exercisable by said property owner to sell to said company at a predetermined price said parcel of land, or a portion of said parcel comprising said desirable location, and any necessary access, for which said lump sum payment also serves as consideration.

Claim 19. (Previously Presented) The method of claim 1, further comprising, when an offer is refused, the step of tendering to each refusing landowner an offer to lease their property for a term of years with periodic rental payments over the term of the lease, with the balance payable as a lump sum at a predetermined discount at the option of said landowner at any time during the term of the lease.

Claim 20. (Previously Presented) The method of claim 19, wherein at least one offer further includes a first right of refusal for said company to purchase said parcel of land, or a portion of said parcel comprising said desirable location, and any necessary access, if the owner receives a purchase offer for said parcel, for which said lease payments also serve as consideration.

Claim 21. (Previously Presented) The method of claim 19, wherein at least one offer further includes an option exercisable by said property owner to sell to said company at a predetermined price said parcel of land, or a portion of said parcel comprising said desirable location, and any necessary access, for which said lease payments also serve as consideration.

Claim 22. (Previously Presented) The method of claim 1, wherein said offer is made to landowners currently leasing their property to said company for a term of years with periodic rental payments over the term of the lease less than one year before said lease is up for renewal.

Claim 23. (Previously Presented) The method of claim 1, wherein said offer is made to landowners currently leasing their property to said company for a term of years with periodic rental payments over the term of the lease more than one year before said lease is up for renewal.

Claim 24. (Previously Presented) The method of claim 1, wherein said offer is made to landowners currently not leasing their property.

Claim 25. (Previously Presented) The method of claim 1, wherein said offer does not include sharing of co-locator fees.